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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/730,789
	Filing Date	12/08/2003
	First Named Inventor	KEATON
	Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	HRL133


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ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): REQUEST FOR RECONSIDERATION
Remarks _____		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CARY TOPE-MCKAY
Signature	
Date	10/12/2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	CARY TOPE-MCKAY		
Signature		Date	10/12/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
HRL133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KEATON  
Application No.: 10/730,789  
Filed: 12/08/2003

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For: METHOD AND APPARATUS FOR GENERATING THREE-  
DIMENSIONAL MODELS FROM UNCALIBRATED VIEWS

Petitions Attorney Derek L. Woods  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR**  
**1.47(a)**

The request for reconsideration of petition under 37 CFR 1.47(a) is being  
made in response to Decision Dismissing Petition dated September 22, 2004.

Enclosed is the corrected oath or declaration in compliance with 35 U.S.C. §§115 and  
116 with the correct spelling of inventor Amit K. Roy Chowdhury's name.

We continue our efforts to locate the unavailable inventor, however to date we  
have not been successful.

Respectfully submitted,

Dated: 10/12/2004

By:   
Cary Tope-McKay  
U.S. Agent Registration No. 41,350

Prepared by: Zuzanna Poprawski  
TOPE-MCKAY & ASSOCIATES  
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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

☐

Declaration  
Submitted  
With Initial  
Filing

OR

☒

Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number

HRL133

First Named Inventor

KEATON

COMPLETE IF KNOWN

Application Number

10/730,789

Filing Date

12/08/2003

Art Unit

Examiner Name

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I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS GENERATING THREE-DIMENSIONAL MODELS FROM  
UNCALIBRATED VIEWS**

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

12/08/2003

as United States Application Number or PCT International

Application Number

10/730,789

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 28848		OR <input checked="" type="checkbox"/> Correspondence address below	
Name TOPE-MCKAY & ASSOCIATES			
Address 23852 PACIFIC COAST HIGHWAY # 311			
City MALIBU	State CA	ZIP 90265	
Country USA	Telephone 310.589.8158	Fax 310.919.3145	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) PATRICIA		Family Name or Surname KEATON	
Inventor's Signature			Date
Residence: City Woodland Hills	State CA	Country USA	Citizenship US
Mailing Address 6071 Magnol Lane			
City Woodland Hills	State CA	ZIP 91367	Country USA
NAME OF SECOND INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Amit K. Roy		Family Name or Surname Chowdhury	
Inventor's Signature			Date
Residence: City Hyattsville	State MD	Country USA	Citizenship US
Mailing Address 6600 Belcrest Road, Apt. M			
City Hyattsville	State MD	ZIP 20782	Country USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

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TOPE-McKAY & ASSOCIATES  
23852 PACIFIC COAST HIGHWAY  
#311  
MALIBU, CA 90265

Paper No.  
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SEP 22 2004

In re Application of:  
Patricia Keaton and Amit K. Roy  
Chowdhury  
Application No. 10/730,789  
Filed: December 8, 2003  
Title of Invention: METHOD AND  
APPARATUS FOR GENERATING THREE-  
DIMENSIONAL MODELS FROM  
UNCALIBRATED VIEWS

OFFICE OF PETITIONS  
DECISION DISMISSING  
PETITION UNDER  
37 CFR 1.47(a)

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OFFICE OF PETITIONS

This is in response to the Petition Under 37 CFR 1.47(a), filed August 16, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 8, 2003, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 19, 2003, requiring *inter alia*, a properly signed oath or declaration.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that the nonsigning inventor, Amit K. Roy Chowdhury, cannot be reached to join in the application. In

support of this assertion, Applicant's have demonstrated diligent effort to reach the nonsigning inventor. However, a review of the oath/declaration filed with the instant petition reveals that the nonsigning inventor's name has been mis-spelled as "Chowdry".

Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), Applicant has not presented an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 37 CFR 1.64. The oath or declaration must identify the inventive entity. A properly executed oath or declaration is required.

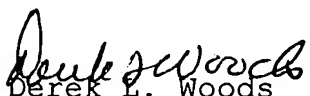
Further correspondence with respect to this matter should be addressed as follows:

By mail:           Commissioner for Patents  
                    PO Box 1450  
                    Alexandria, VA 22313-1450

By FAX:           (703) 872-9306  
                    Attn: Office of Petitions

By hand:           2201 South Clark Place  
                    Customer Window  
                    Crystal Plaza Two, Lobby Room 1B03  
                    Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

  
Derek L. Woods  
Petitions Attorney  
Office of Petitions